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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,388	09/25/2003	Michael S. Brunner	18731	4250
23556 7590 11/17/2008 KIMBERLY-CLARK WORLDWIDE, INC. Catherine E. Wolf 401 NORTH LAKE STREET NEENAH, WI 54956				
EXAMINER				
MERCIER, MELISSA S				
ART UNIT		PAPER NUMBER		
1615				
MAIL DATE		DELIVERY MODE		
11/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10671388	9/25/2003	BRUNNER, MICHAEL S.	18731

KIMBERLY-CLARK WORLDWIDE, INC.  
Catherine E. Wolf  
401 NORTH LAKE STREET  
NEENAH, WI 54956

## EXAMINER

MELISSA S. MERCIER

ART UNIT	PAPER
1615	20081105

DATE MAILED:

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## Commissioner for Patents

The reply filed on August 14, 2008 is not fully responsive to the prior Office Action because: Applicant has amended the claims to recited limitations which have been previously withdrawn from consideration as reading on non-elected species (i.e. oral care). Applicant is again directed to the restriction requirement dated February 2, 2007 and Applicants response filed on March 5, 2007. Applicants have argued that the previously withdrawn limitations incorporated into the independent claim are made part of the generic claim by such action, and thus become part of the elected species for examination. The examiner disagrees with Applicants assertion. The newly amended claims are drawn to a different invention than that which has previously been presented.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

/MP WOODWARD/  
Supervisory Patent Examiner, Art Unit 1615